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11 Attorneys for Plaintiff

12 UNITED STATES MAGISTRATE COURT

13 NORTHERN DISTRICT OF CALIFORNIA

14 OAKLAND DIVISION

15 UNITED STATES OF AMERICA,) No. 4-07-70329 WDB
16 Plaintiff,) STIPULATED MOTION AND
17 v.) [PROPOSED] ORDER CONTINUING
18 HIEU THAI,) PRELIMINARY HEARING OR
19 Defendant.) ARRAIGNMENT DATE AND WAIVING
20 TIME UNDER SPEEDY TRIAL ACT TO
21 JULY 24, 2007 at 10:00 a.m.

22 With the agreement of the parties, and with the consent of the defendant, the Court enters
23 this order pursuant to Federal Rule of Criminal Procedure 5.1(d) continuing the arraignment or
24 preliminary hearing date for Defendant Hieu Thai to July 24, 2007 at 10:00 a.m. before the
25 Honorable Wayne D. Brazil. The parties appeared before the Court on June 11, 2007 and the
26 Court found good cause to continue the preliminary hearing date to July 10, 2007. Given the
27 intervening holiday and the unavailability of defense counsel, counsel for the defendant believes
28 that further postponing the preliminary hearing is in her client's best interest and that it is not in
her client's best interest for the United States to present an indictment before the current July 10,
2007 preliminary hearing date. The parties agree that – taking into account the public interest in
prompt disposition of criminal cases – good cause exists for this extension.

Defendant also agrees to toll and to waive for this period of time any time limits
applicable under Title 18, United States Code, Section 3161. The parties agree and stipulate that
defense counsel needs time to review discovery and that an exclusion of time under the Speedy

1 Trial Act for effective preparation of counsel is warranted pursuant to 18 U.S.C. Section
2 3161(h)(8)(A) and (B)(iv). Undersigned defense counsel represents that she has spoken with her
3 client, Mr. Thai, and that Mr. Thai agrees to the continuance and to time being tolled and waived
4 as requested.

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6 **IT IS SO STIPULATED.**

7

8 DATED: _____ /S/
9 HILARY FOX
Attorney for Defendant

10

11 DATED: _____ /S/
12 KESLIE STEWART
Assistant United States Attorney

13 I hereby attest that I have on file all holograph signatures for any signatures indicated by a
14 "conformed" signature (/S/) within this e-filed document.

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18 **IT IS SO ORDERED.**

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21 DATED: _____ WAYNE D. BRAZIL
22
23 United States Magistrate Judge

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